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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,945	11/08/2000	Izumi Miyake	0879-0287P	9129
2292	7590	04/21/2004	EXAMINER WORKU, NEGUSSIE	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			ART UNIT 2626	PAPER NUMBER 6
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,945

Applicant(s)

MIYAKE, IZUMI

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's english translation of priority document 11-322275 filed February 2, 2004, to overcome the rejection(s) of claim(s) 1-7, under 35 U.S.C. 102(a) have been fully considered. Therefore, the rejection has been withdrawn. However, upon further search an english equivalent (Fujita et al. USP 6,654,051) has been found that precedes the applicant's effective filing date.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al. (USP 6,654,051).

With respect to claim 1, Fujita et al. discloses an image file managing method (camera 10 and memory card 46 of fig 1), comprising the steps of: using a recording medium (memory 24 of fig 1, which contains memory area 24a) which has unique

identification information (I-frame image data created by A/D converter, can serve as ID information, see col.3, lines 42-45) recorded in a rewrite impossible area (I-frame is re-written by memory control circuit 26 into a memory area 24a, memory area 24a is a rewrite impossible area, see col.3, lines 44-46); discriminating (CPU 28 of fig 2, discriminate) between presence and absence of an image folder having an image folder name corresponding to the identification information (I-frame is re-written by memory control circuit 26 into a memory area 24a, as ID information), at the time of depositing an image file recorded on the recording medium (recording medium 24 of fig 1) in an image filing apparatus (camera 10 of fig 1); depositing the image file in the image folder is present, (image file is held in the directory, see col.2, lines 10-12); and creating an image folder having the image folder name corresponding to the identification information (I-frame image data create by A/D converter, as ID information) when the image folder is not present and depositing the image file in the created image folder.

With respect to claim 2, Fujita et al. discloses an image file managing method, (camera 10 and memory card 46 of fig 1), wherein an image file name is created by adding 1 to an image file name, see (I-frame image data is created by A/D converter 18 of fig 1, see col.3, lines 41-43), which has a largest number out of deposited image files, and an image file deposited with this created image file name when an identical image file names is present in an image folder at the time of depositing an image file which has an image file name including a digit is present in the image folder (I-frame as image folder).

With respect to claim 3, Fujita et al., discloses an image file managing method, (camera 10 and memory card 46 of fig 1), wherein the identification information (I-frame, created by A/D converter) on the recording medium (recording medium 24 of fig 2) is read so that access can be made only to image files in an image folder which has an image folder name corresponding to the identification information, (I-frame created by A/D converter see col.3, lines 41-43), image folder name is created by enciphering the identification information, (CPU 28 enciphers the information, see col.3, line 63-65).

With respect to claim 4, Hayashi discloses an image file managing method, (camera 10 and memory card 46 of fig 1), wherein the image folder name is created by enciphering, see col.3, line 63-65, the identification information, see (I-frame created by A/D converter 18 of fig 1, see col.3, lines 42-45).

With respect to claim 5, Hayashi discloses an electronic camera (10 of fig 1) which records image data on a recording medium (memory 24 of fig 1) by using the recording medium which has unique identification information (I-frame created by A/D converter 18 of fig 1, see col.3, lines 40-44), recorded in a rewrite impossible area (memory area 24a is a rewrite impossible area, see col.3, lines 43-48); camera (10 of fig 2) comprising: an identification information acquiring device (CPU 28 of fig 2) which

acquires the identification information from the recording medium (24 of fig 2); an image folder creating device (CPU 28 of fig 2) which creates an image folder having an image folder name corresponding to the identification information, see (col.3, lines 40-44) when an image folder having the image folder name corresponding to the identification information (I-frame created by A/D 18 of fig 1) is not present or when the recording medium (24 of fig 2) is initialized; and a deposits device (CPU 28 of fig 2), which deposits image data acquired at a photographing time (by camera 10 of fig 1) as an image file together with an image file name in the image folder.

With respect to claim 6, Fujita et al. discloses an image file managing method, (camera 10 and memory card 46 as shown in fig 1), image data on a recording medium (memory 24 of fig 1) by using the recording medium which has unique identification information (I-frame image data created by the A/D converter written by a memory control circuit 26 into the memory, see col.3, lines 42-46), recorded in a rewrite impossible area, the image filing apparatus (camera 10 and memory card 46 of fig 1) comprising: an identification information acquiring device (CPU 28 of fig 2) which acquires the identification information from the recording medium (24 of fig 2); an image folder creating device (CPU 28 of fig 2) which creates an image folder having an image folder name corresponding to the identification information, (frame image data created by the A/D converter written by a memory control circuit 26 into the memory, see col.3, lines 42-46), when an image folder having the image folder name corresponding to the identification information is not present; and depositing device (CPU 28 of fig 1) which

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deposits an image file recorder on the recording medium (24 of fig 2) in the image folder corresponding to the recording medium, (memory 24 of fig 2).

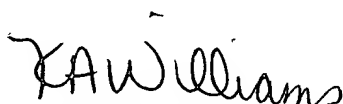
4. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, *Kimberly Williams*, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Negussie Worku

04/15/04


KIMBERLY WILLIAMS
SUPERVISORY PATENT EXAMINER